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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,327	08/01/2003	Andrew Kilkenny	340.180	5230

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,327

Applicant(s)

KILKENNY ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. This action is responsive to the amendment filed on January 18, 2005.

2. The attempt to amend the abstract of the disclosure which is recited under "Remarks" of Applicants' response is appreciated, however, the corrections should be made in a separate sheet.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

3. Claims 1-31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-31 stand indefinite because even though Applicants argue that the proportions of the organic solvent and sodium hydroxide or potassium hydroxide are weight percent as pointed to the bottom of page 3 of the specification, said proportion is not included in the claims. It is suggested that the "%" be replaced with "wt %" or "% by weight". In addition, the acronym "GRAS" in claim 2 should be replaced with "Generally Recognized as Safe (GRAS)".

4. Claims 1-12 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Barby et al. (US Patent NO. 4,448,704), hereinafter "Barby" for the reasons set for in the previous office action.

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5. The rejection of claims 1-13, 16, 18, 21, 24, 27-31 under 35 U.S.C. 102(e) as being anticipated by Barnabas et al. (Pub. No. US 2003/0119705), hereinafter "Barnabas" is withdrawn because Barnabas in the cited examples include solvents (see section [0199] on page 16).

6. Claims 1-14, 16-19, 21-22, 24-25 and 27-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barnabas as applied to the above claims for the reasons set for in the previous office action.

7. Claims 15, 20, 23 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barnabas as applied to the above claims, and further in view of Barger et al. (US Patent No. 6,562,142), hereinafter "Barger" for the reasons set for in the previous office action.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-13, 18, 21, 24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Magyar (US Patent No. 4,613,446).

Magyar teaches a gelled detergent compositions which are contained in cleaning devices such as plastic mesh pads and sponges (see abstract). The cleaning composition comprises 50-69 wt% water, 2-10 wt% alkali metal hydroxide, 10-20 fatty acids and 5-20 wt% surfactant, having a pH of about 7.5 to 8.5 (see col. 3, lines 9-26). In the Example, Magyar teaches a composition comprising 56.49 wt% deionized water, 4.50 aqueous 50 wt% sodium hydroxide solution, 15.00

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wt% stearic acid (which is a GRAS ingredient), and plastic mesh pads are dipped into the hot detergent solution and the solution is allowed to gel, and the prepared pads are evaluated on the whitewall tires, vinyl tops and bumpers of automobiles (see col. 6, lines 1-55). The composition does not contain any organic solvents nor quaternary ammonium compounds. Cleaning is effected by dipping the sponge product containing the gelled layer in water and then abrading the surface to be cleaned with the wet sponge containing the detergent, and alternatively, surfaces to be cleaned can be pre-wetted and the sponge product can be directly applied to start the cleaning and scrubbing operation (see col. 5, lines 57-68). The composition of Magyar inherently provides disinfectancy or sanitation because same ingredients have been utilized. Hence, Magyar anticipates the claims.

10. Claims 14, 15, 19, 20, 22, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magyar as applied to the above claims, and further in view of Barger.

Magyar teaches the features as described above. Magyar, however, fails to disclose the incorporation of hydrophilic polymer and hydrophilic nanoparticle into the composition.

Barger teaches a similar hard surface treating composition comprising nanoparticles with particle sizes ranging from about 2 nm to about 400 nm, for example, LAPONITETM such that when applied to a hard surface, the hard surface is hydrophilically modified and exhibits surprising and significantly improved wetting and sheeting, quick drying, uniform drying, cleaner appearance and improved transparency properties (see col. 10, lines 18-64; col. 12, lines 33-50). Barger also teaches that the composition comprises a polymer which is capable of rendering the surface cleaned hydrophilic (see col. 4, lines 7-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the nanoparticles and polymer of Barger into the composition of Magyar because this will provide the composition with surprising and significantly improved wetting and sheeting, quick drying, uniform drying, cleaner appearance and improved transparency properties as taught by Barger.

Response to Arguments

11. Applicants' arguments filed January 18, 2005 have been fully considered but they are not persuasive.

With respect to the anticipation rejection based upon Barby, Applicants argue that the Examiner maintains that the amount of sodium hydroxide used to adjust pH to 9.0 should inherently be at least 0.05% but provides no evidence that 0.05% sodium hydroxide when added to Example 43 of Barby would not result in a pH higher than 9.0. Applicants also argue that Barby does not teach or suggest compositions that provide disinfectancy or sanitization.

The Examiner respectfully disagrees with the above arguments because as the present claims stand, the proportion of sodium hydroxide or potassium hydroxide is "greater than 0.05%", and this could mean "0.05 wt% of an aqueous 1.0 wt% sodium hydroxide or potassium hydroxide", hence adjusting Example 43 of Barby to pH 9 would have utilized at least 0.05 wt% of an aqueous 1.0 wt% sodium hydroxide or potassium hydroxide. With respect to Applicants' argument that Barby does not teach or suggest compositions that provide disinfectancy or sanitization, please note that Barby teaches the same ingredients as those recited, hence, the composition of Barby inherently provides disinfectancy or sanitization.

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With respect to the obviousness rejection based upon Barnabas, Applicants argue that Barnabas teaches acidic wipes with PHMB for disinfectancy and teaches away from the inventive claims.

The Examiner respectfully disagrees with the above arguments because Barnabas not only teaches acidic pre-moistened wipes but also teaches alkaline-premoistened wipes. Barnabas, in another preferred embodiment, especially wherein the pre-moistened wipes are to be applied on hard surfaces soiled with very tough greasy or grease-containing soil as often can be found on kitchen surfaces, the pH range of the aqueous solution composition, squeezed out from the pre-moistened wipe, is from about 6 to about 13, preferably from pH about 7 to about 12.5 (see section [0060] on page 5). With respect to polymeric biguanide antimicrobial agent, this agent is an optional ingredient of the composition and does not have to be present in the composition (see section [0094-0096] on page 8 of the specification). Please also note that the solvents of Barnabas are only optional (see section 0132 on page 11) and need not be present in the composition.

With respect to the obviousness rejection based upon Barnabas in view of Barger, Applicants argue that, as stated above, Barnabas teaches away from the inventive claims.

The response above with respect to Barnabas applies here as well. Hence, the combination of Barnabas with Barger is proper and is maintained.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

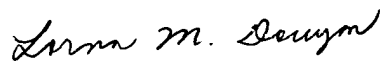
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
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